

Webinar

on

LEGAL PROCEDURE FOR CONSTRUCTION CONTRACTS ADMINISTRATORS

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17 December 2022,
Saturday



10.30 am – 12.30 noon



Zoom Online

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Synopsis

Apart from statutory adjudication under the Construction Industry Payments and Adjudication Act 2012 (“CIPAA”), most engineers will not get involved in any court or arbitration matters.

Despite this, it will be useful to have some background information so that if ever an engineer is faced with legal action on behalf of his/her employer, the engineer knows how to approach the matter, albeit via a lawyer.

This talk therefore deals with both the course of a matter through the high court (the procedure in arbitration is identical with differences being only in the names given to steps in the process) and an overview of adjudication under CIPAA.

General law on procedure

Suffice to say herein that procedural law deals with the procedure in the event of formal dispute resolution whilst substantive law deals with what are the rights of the parties in dispute resolution. Thus for example the procedure deals with questions of for example how much time does a party have to respond to a summons and whether a party if and when a party may amend one of his cause papers. On the other hand substantive law is concerned with whether for example a contractor actually had a binding contract and so can claim for loss of profit or is confined to claiming costs plus a reasonable profit.

Overview of Adjudication Process under CIPAA 2012

Specialist conferences deal with details of CIPAA 2012, therefore this talk can only deal with an overview of the topic.

CIPAA 2012 primarily focuses in a speedy mechanism for resolving payment disputes. This webinar seeks to provide an overview of the adjudication process under CIPAA 2012 as follows:

Scope of CIPAA 2012

Activation of adjudication process with Payment Claim and non- paying party response of Payment Response

Initiation of adjudication proceedings: Adjudication Claim, Adjudication Response, Adjudication Reply

Adjudication Decision

Enforcement and Setting Aside of Adjudication Decision

This talk therefore seeks to provide some basic information on the above stated topics especially so that when administering a contract, relevant issues will be borne in mind thus ensuring that one is in a better position should dispute resolution take place.

Speakers Bio



Ir. Lim Eng Chong received his Bachelor's Degree in Civil Engineering from the University of Manchester Institute of Science and Technology and his Bachelor of Law Degree from the University of Wolverhampton. He passed his Certificate in Legal Practice examination and was called to the Malaysian Bar in 2003.

He has been involved in many major construction projects both as an engineer and a contracts specialist.

Ir Lim jointly updated Halsbury's Laws of Malaysia "Building & Construction" (a reference encyclopaedia of law for lawyers) title 2006.



Leong Yin Wei holds a Bachelor of Laws (Hons) degree from University of London and a Bachelor's degree in Construction Management from UTAR and has been called to the Malaysian Bar.

She has more than 20 years experience dealing with dispute resolution particularly in construction and engineering related disputes and has been a partner in a major legal firm which specializes in construction matters.

She has also drafted and vetted many construction and engineering related contracts and sub-contracts.

